

SOUTH AFRICA

Status as of May 2005

FEATURES	STATUS	CHANGES IN LAWS SINCE 1990
Types of protection for inventions	<ul style="list-style-type: none"> • Patents 	N.A
Term of protection	<ul style="list-style-type: none"> • 20 years from the date of filing • Extension of patent term is not possible. 	No
Subject matters excluded from patentability or not considered to be inventions	<ul style="list-style-type: none"> • The following subject matters are excluded from patentability: <ul style="list-style-type: none"> - Discoveries - Scientific theories/mathematical methods - Mental acts - Presentation of information - Computer programs - Business methods - Isolated parts of human beings - Animals - Plants - Diagnostic, therapeutic and surgical methods for the treatment of humans and animals - Inventions contrary to morality/public order • The following subject matters are not considered to be inventions: <ul style="list-style-type: none"> - Aesthetic creations - Plant and animal varieties - Traditional knowledge 	No
Filing language	<ul style="list-style-type: none"> • Filing an application in languages other than official languages is possible as long as the application form is submitted in one of the official languages. Drawings, priority documents or the specification of the invention may be filed in other languages. The time limit to provide translation into an official language is 3 months from the filing date. 	April 27, 1994 – The official languages became 11. Before that date, the only official languages were English and Afrikaans.

Certain requirements relating to filing	<ul style="list-style-type: none"> • The inventor rarely waives his right to be mentioned in the patent. <hr/> <ul style="list-style-type: none"> • It is possible to file provisional applications. The provisional application is valid for 12 months with an option to be extended with 3 months upon request by the applicant. It includes a “fair” description of the invention. The provisional application lapses if a complete application (based on it and claiming priority from it) is not filed within 12 (15) months. <hr/> <ul style="list-style-type: none"> • The most frequent route used by foreign applicants to file patent applications is the PCT (Patent Cooperation Treaty). 	No
Link between different inventions in the same application	<ul style="list-style-type: none"> • The applicable law requires that the claims in a patent application relate to a single invention only. 	No
Publication	<ul style="list-style-type: none"> • The information related to the application is published or open for public access when the patent is granted. A patent is deemed to be granted on the date of publication of its acceptance in the Patent Journal. 	No
Classification system	<ul style="list-style-type: none"> • The patent classification system used is the International Patent Classification (IPC) system. 	N.A
Search and examination	<ul style="list-style-type: none"> • The applicable law does not establish a substantive search and examination system. 	N.A
Specific legal provision regarding ownership of patents derived from public (government) research funding	No	No

Exceptions to exclusive rights conferred by a patent	<ul style="list-style-type: none"> • There are exceptions to the exclusive rights conferred by a patent as follows: <ul style="list-style-type: none"> - Private use - Compulsory licenses - Governmental use - Research and/or experimental exception - Prior user's right - Public health 	May 2, 2003 – Introduction of measures to ensure supply of more affordable medicines.
Options to challenge a patent	<ul style="list-style-type: none"> • The only option to challenge a patent is the court procedure. 	No